



U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

January 17, 2018

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (FAX)

In Reply, Refer To:
HDA-CA

Mr. Malcolm Dougherty
Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: FHWA Determination on Blood Transport Vehicles Use of HOV Facilities

Dear Mr. Dougherty:

Thank you for your November 15, 2017 letter requesting the Federal Highway Administration (FHWA) to provide a determination as to whether blood transport vehicles that do not meet the occupancy requirements should be allowed to use High-Occupancy Vehicle (HOV) lanes and if doing so would result in a loss of Federal funds or conflict with Federal law. The FHWA California Division has reviewed the accompanying signed Senate Bill 406 and its contents have been noted.

As required by 23 U.S.C. 1166(b), the exceptions to the occupancy requirements for HOV facilities include motorcycles and bicycles; public transport vehicles; High Occupancy Toll (HOT) vehicles and Low Emission and Energy-efficient vehicles. Since blood transport vehicles that do not meet the occupancy requirement are not listed in the regulation, FHWA cannot grant an exemption beyond what the regulation allows. Doing so would conflict with Federal law.

It is the Division Office's recommendation that if an urgent need arises, blood transport vehicles could use a police escort to ensure timely arrival. Currently, the performance of over 68% of the HOV Facilities in California are degraded in part due to heavy demand exceeding current capacity. Adding blood transport vehicles to the current mix will only worsen the situation.

If you have any questions or concerns, please contact Mr. Edward Ofori-Abebbresse, Safety and Operations/ITS Team Leader at 916-498-5005 or by email at Edward.ofori@dot.gov.

Sincerely,

For: Vincent Mammano
Division Administrator